

**FILED**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

'07 FEB 20 AM 11:13

**CASSIUS M. CLAY**

**Plaintiff**

**U.S. DISTRICT COURT**

**VS.**

**TRACY REEVES, ET AL.**

**Defendants**

**Civil Action No.: 05-125 Erie**

**District Judge McLaughlin**

**Magistrate Judge Baxter**

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**ANSWER TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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**AND NOW**, comes Cassius M. Clay, Pro se Plaintiff in the above captioned case, and files the following answer to Defendants' Motion for Summary Judgment:

1. **ADMITTED IN PART, DENIED IN PART.** It is admitted that the instant action was initiated by Complaint dated April 28, 2005, seeking monetary relief, as well as declaratory and injunctive relief. It is denied that Plaintiff's Complaint is limited to the sole issue of what defendants characterize as "defendants' compliance with a wage attachment order issued by the Court of Common Pleas, Allegheny County, Family Division". Plaintiff's Complaint raises (4) separate and distinct claims:

- a. the respective defendants acting as Plaintiff's "employer", deducting funds from his institutional account, and paying said funds to the Pennsylvania Support Collection and Disbursement Unit (hereinafter "PASCDU"), where they were not authorized to do so; (Plaintiff's Complaint at ¶ 12-25; Plaintiff's Counter Statement of Disputed Material Facts at ¶ 37-39; and Exhibit-"A" attached thereto at ¶ 3-5);
- b. the respective defendants' refusal to advance Plaintiff funds for Certified Mail, Return Receipt Requested postage, to effectuate service of a petition for review filed by Plaintiff in the Commonwealth Court of Pennsylvania; resulting in said petition being dismissed for failure to effectuate proper service; (Plaintiff's Complaint at ¶ 26-30; Plaintiff's Counter Statement of Disputed Material Facts at ¶ 40-43; Exhibit-"A" attached thereto at ¶ 8-12; Exhibit-"B" attached thereto at page 11, sub-part (b)(1); and Exhibit-"C" attached thereto at page 4 entry #1);
- c. the respective defendants tampering with Plaintiff's incoming and outgoing mail; (Plaintiff's Complaint at ¶ 31-35; Plaintiff's Counter Statement of Disputed

**Material Facts at ¶ 44; and Exhibit-"A" attached thereto at ¶ 13-14); and**

- d. constitutional challenges to DC-ADM 005; (**Plaintiff's Complaint at ¶ 66-70; and Plaintiff's Counter Statement of Disputed Material Facts at ¶ 45).**

3. **DENIED.** This Court does in fact have jurisdiction over Plaintiff's claims, and the **Rooker Feldman** doctrine does not apply to any of the claims presented by Plaintiff in this case. By way of further answer, under the **Rooker Feldman** doctrine, this Court would only be precluded from exercising jurisdiction over Plaintiff's claims if they were litigated in a state court or inextricably intertwined with a state court adjudication, neither of which is the situation in this case. Plaintiff respectfully directs this Honorable Court's attention to **¶ 2 sub-parts a-d** of this answer, which clearly depicts the claims presented by Plaintiff.

4. **NO RESPONSE IS DEEMED NECESSARY.**

5. **DENIED.** There are several issues of material fact in dispute and defendants are not entitled to summary judgment in their favor as a matter of law. By way of further

answer, the defendants cite a plathora of facts, some of which are undisputed, but none of which are material. Further, the defendants fail to cite any of the material facts regarding the issue of Plaintiff's access to the courts claim, Plaintiff's mail tampering claim; or Plaintiff's constitutional challenge to DC-ADM 005. Plaintiff incorporates his **Counter Statement of Disputed Material Facts, all Exhibits attached thereto, his Complaint, and all Exhibits attached thereto, as if fully set forth herein at length.**

**WHEREFORE,** Plaintiff, Cassius M. Clay, Pro se, respectfully requests this Honorable Court to deny Defendants' Motion for Summary Judgment.

Respectfully submitted,

Date: 2/14/07

By: Cassius M. Clay Sr.

Cassius M. Clay, Sr.  
Pro se Plaintiff  
ID No.: DQ-5954  
SCI-Forest  
P.O. Box 945  
Marienville, PA 16239  
(814)621-2110

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY  
Plaintiff

VS.

TRACY REEVES, ET AL.  
Defendant

Civil Action No.: 05-125 Erie

District Judge McLaughlin

Magistrate Judge Baxter

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STATEMENT OF VERIFICATION

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I verify that the foregoing is true and correct. I understand that false statements made herein are subject to the penalties of 28 U.S.C. §1746, relating to perjury.

Date: FEBRUARY 14, 2007

By:

Cassius M. Clay Sr.

Cassius M. Clay, Sr.  
Pro se Plaintiff

IN THE UNITED STATES DISTRICT COURT  
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CASSIUS M. CLAY  
Plaintiff

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Defendant

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CERTIFICATE OF SERVICE

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I certify that on this 14th day of FEBRUARY, 2007, I submitted the original of this document to prison officials at the State Correctional Institution at Forest, by placing the same in the prison mailbox addressed to Office of the Clerk, U.S. District Court, Western District of PA, P.O. Box 1820, Erie, PA 16507; and that I also submitted a separate true and correct copy of this document to the same prison officials at the State Correctional Institution at Forest by again, placing the same in the prison mailbox addressed to Mary Friedline, Esq., Deputy Attorney General, Office of the Attorney General, 6th Flr., Manor Complex. 564 Forbes Ave., Pittsburgh, PA 15129. (All sent First Class Mail)

Date: 2/14/07

By: Cassius M. Clay Sr.

Cassius M. Clay, Sr.  
Pro se Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY  
Plaintiff

VS.

TRACY REEVES, ET AL.  
Defendant

Civil Action No.: 05-125 Erie

District Judge McLaughlin

Magistrate Judge Baxter

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ORDER OF COURT

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AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
upon consideration of Defendants' Motion for Summary Judgment,  
and the Plaintiff's response thereto, **IT IS ORDERED THAT**  
**DEFENDANTS' MOTION IS DENIED.**

BY THE COURT:

\_\_\_\_\_  
J.

Copies to: Cassius M. Clay Sr.  
Pro se Plaintiff

Mary Friedline, Esq.  
Attorney for Defendants

CASSIUS M. CLAY SR.  
DQ-5954  
STATE CORRECTIONAL INSTITUTION AT FOREST  
P.O. BOX 945  
MARIENVILLE, PA 16239

February 14, 2007

Office of the Clerk of Courts  
United States District Court  
Western District of Pennsylvania  
P.O. Box 1820  
Erie, PA 16507

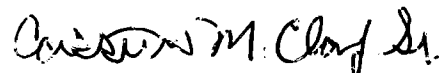
RE: Clay V. Reeves et al.  
Civil Action No.: 05-125E  
Western District Court

Dear Clerk of Courts,

Please find for filing the original of my Answer to the Defendants' Motion for Summary Judgment; my Brief in Opposition to Defendants' Motion for Summary Judgment; and my Responsive Concise Statement filed Pursuant to LR 56.1(C)(1).

You will notice I have attached the first pages of my filings to this letter. Please be so kind to time/date stamp the same and return them to me in the self-addressed postage paid envelope I have enclosed for your convenience. Thank you.

Very truly yours,

  
Cassius M. Clay, Sr.  
Pro se Plaintiff

Enclosures  
Attachments  
cc: Mary Friedline, Esq.  
file